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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,254	03/01/2002	Hawley K. Rising III	80398.P516	4122
7590	07/18/2006		EXAMINER	
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP 12400 Wilshire Boulevard, Seventh Floor Los Angeles, CA 90025-1026			RIES, LAURIE ANNE	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/090,254	RISING ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Laurie Ries	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 April 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) 25-47 and 66-72 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-24 and 48-65 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 March 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/3/04</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This action is responsive to communications: Amendment and Response to Restriction Requirement, filed 17 April 2006, to the original application filed 1 March 2002.
2. Claims 1-24 and 48-65 are pending. Claims 25-47 and 66-72 have been withdrawn. Claims 1,22, and 48 are independent claims.

***Election/Restrictions***

3. Applicant's election with traverse of claims 1-24 and 48-65 in the reply filed on 17 April 2006 is acknowledged. The traversal is on the ground(s) that the decoder does not have a utility that is separate from the encoder. This is not found persuasive because it is possible, as illustrated in Figure 1 of Applicant's drawings, to have a dedicated encoder separate from the presentation system, which performs the decoding function. As such the encoder has a separate utility from the decoder and may exist on a separate machine dedicated to encoding the data.

The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 55 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 55 recites the limitation "a first position" in line 1. There is insufficient antecedent basis for this limitation in the claim. For the purpose of further examination it is assumed claim 55 should be dependent upon claim 54 rather than claim 53.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1, 4-24, and 48-65 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

**Regarding independent claim 1:** The language of this claim merely describes non-functional descriptive material. As such, this raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art,

environment or machine, which would result in a practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35 USC 101.

One technique for satisfying the requirements of 35 USC 101 is to claim code residing in memory (i.e., hardware), wherein that code produces a tangible result, such as displaying or transmitting an encoded predetermined amount of the schema.

**Claims 4-21** are dependent upon claim 22, and do not add any limitations that would render the claims statutory under 35 USC 101. Therefore, these claims are likewise rejected.

**Regarding independent claim 22:** This claim is directed to a machine-readable medium having a computer program. A machine-readable medium, however, has been defined as a storage or transmission medium on page 14 lines 10-15 of the specification. As such, this claim encompasses an intangible embodiment (i.e., the transmission medium) and is therefore not statutory under 35 USC 101.

**Claims 23-24** are dependent upon claim 22, and do not add any limitations that would render the claims statutory under 35 USC 101. Therefore, these claims are likewise rejected.

**Regarding independent claim 48:** This claim is directed to a computer readable medium having a computer program. A computer readable medium, however, has been defined as a storage or transmission medium on page 15 lines 1-5 of the specification. As such, this claim encompasses an intangible embodiment (i.e., the transmission medium) and is therefore not statutory under 35 USC 101.

**Claims 49-65** are dependent upon claim 48, and do not add any limitations that would render the claims statutory under 35 USC 101. Therefore, these claims are likewise rejected.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 6, 22-23, 48-50, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shamo (U.S. Publication 2004/0107356 A1).

**As per independent claims 1, 22, and 48,** Shamo discloses a machine readable medium, a system and a method of encoding and distributing a schema or object descriptors for content description including a processing unit (See Shamo, Figure 24, element 2402, a memory coupled to the processing unit through a system bus (See Shamo, Figure 24, elements 2406 and 2414, and Page 18, paragraph 0279), and a computer readable medium coupled to the processing unit through the system bus (See Shamo, Figure 24, element 2430).

Shamoon also discloses encoding a predetermined amount of the schema, or object descriptor, according to the particular format (See Shamoon, Page 12, paragraph 0179).

While Shamoon also discloses creating a signifier, or header, to signal that the schema, or object descriptor, is to be sent (See Shamoon, Page 9, paragraph 0130), Shamoon does not disclose expressly signaling that the schema, or object descriptor, is to be sent in a particular format, however, since it was generally known at the time of the invention that for any transmitted schema to be understood, said schema is typically transmitted in a particular format matching the schema's target, it would have been obvious to one of ordinary skill in the art to include the formatting criteria in the header of Shamoon. The motivation for doing so would have been to distinguish the data for systems that are designed to be compatible with multiple formats thus preventing a system from encountering content in an unfamiliar format (See Shamoon, Page 11, paragraphs 0166-0167).

**As per dependent claim 2,** Shamoon discloses the limitations of claim 1 as described above. Shamoon also discloses transmitting the signifier (See Shamoon, Page 12, paragraph 0180).

**As per dependent claims 3 and 49,** Shamoon discloses the limitations of claims 2 and 48 as described above. Shamoon also discloses transmitting the predetermined amount of the encoded schema, or object descriptor, in a particular format (See Shamoon, Page 32, paragraph 0527).

**As per dependent claims 4, 23, and 50,** Shamoons discloses the limitations of claims 1, 22, and 48 as described above. Shamoons also discloses binary encoding the schema or object descriptor (See Shamoons, Page 12, paragraph 0179).

**As per dependent claims 6 and 52,** Shamoons discloses the limitations of claims 1 and 48 as described above. Shamoons also discloses that the signifier is a header (See Shamoons, Page 9, paragraph 0130).

7. Claims 5, 16-21, 24, 51, and 62-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shamoons (U.S. Publication 2004/0107356 A1) as applied to claims 1, 23, and 50 above, and further in view of Sullivan (U.S. Patent 7,007,105 B1).

**As per dependent claims 5, 16-21, 24, 51, and 62-65,** Shamoons discloses the limitations of claims 1, 23, and 50 as described above. Shamoons does not disclose expressly that the binary encoding includes assigning a token for each component in the schema, the token corresponding to a component value in a lookup table, and assigning a second token for each attribute of the component, the second token corresponding to an attribute value in a lookup table. Sullivan discloses assigning tokens to sequences of characters, the tokens corresponding to lookup table values including, but not limited to, attribute names (See Sullivan, Column 5, lines 24-43). Sullivan also discloses that the extensible nature of the table allows for future expansion and includes various assignments of tokens including content characters, tag and attribute names (See Sullivan, Column 5, lines 24-43). Shamoons and Sullivan are

analogous art because they are from the same field of endeavor of transmitting encoded data. At the time of the invention it would have been obvious to one of ordinary skill in the art to include the assignment of tokens corresponding to lookup table values of Sullivan with the binary encoded object descriptors of Shamoon. The motivation for doing so would have been to efficiently utilize the lookup table structure for future expansion of components and attributes thus allowing the addition of table entries as needed. Therefore, it would have been obvious to combine Sullivan with Shamoon for the benefit of efficiently utilizing the lookup table structure for future expansion of components and attributes thus allowing the addition of table entries as needed to obtain the invention as specified in claims 5, 16-21, 24, 51, and 62-65.

8. Claims 7-8 and 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shamoon (U.S. Publication 2004/0107356 A1) as applied to claims 6 and 52 above, and further in view of Bennett (U.S. Patent 6,675,169 B1).

**As per dependent claims 7-8 and 53-54,** Shamoon discloses the limitations of claims 6 and 52 as described above. Shamoon does not disclose expressly that the header includes an eight-bit mask including positions defining the particular format of the predetermined amount of schema, or object descriptors, being sent. Bennett discloses utilizing an eight-bit mask in a header to store various formatting tags of content (See Bennett, Figure 5, and Column 8, lines 57-67). Shamoon and Bennett are analogous art because they are from the same field of endeavor of transmitting

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encoded data. At the time of the invention it would have been obvious to one of ordinary skill in the art to include the eight-bit mask storing formatting values of Bennett with the header of Shamoon. The motivation for doing so would have been to allow a receiving system to determine the correct format of the data based upon the position and value of each bit within the eight-bit mask. Therefore, it would have been obvious to combine Bennett with Shamoon for the benefit of allowing a receiving system to determine the correct format of the data based upon the position and value of each bit within the eight-bit mask to obtain the invention as specified in claims 7-8 and 53-54.

#### ***Allowable Subject Matter***

9. Claims 9-15 and 55-61 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Rhoads (U.S. Patent 6,496,591 B1) discloses a video copy-control with plural embedded signals.

- Hilts (U.S. Patent 6,681,315 B1) discloses a method and apparatus for bit vector arrays.
- Lincke (U.S. Publication 2003/0197719 A1) discloses a method, system and apparatus using a sensory cue to indicated subsequent action characteristics for data communications.
- Rehm discloses representing Internet streaming media metadata using MPEG-7 multimedia description schemes.
- Fraternali discloses model-driven development of Web applications.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie Ries whose telephone number is (571) 272-4095. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at (571) 272-4136.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LR

*William F. Bashore*  
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PRIMARY EXAMINER